

A
Breif Enquiry
 INTO THE
 Ground, Authority, and Rights,
 OF
Ecclesiastical Synods;
 Upon the Principles of
SCRIPTURE,
 AND
Right Reason :
 Occasion'd by a Late BOOK,
 INTITUL'D,
Municipium Ecclesiasticum: &c.

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TO THE
READER.

THE Reverend Dr. *Wake*, in his Book Intitul'd, *The Authority of Christian Princes over their Ecclesiastical Synods asserted, &c.* has chiefly argued from matters of Fact, in those Instances of Power and Jurisdiction, which have, all along, been claimed and exercised by Christian Emperours and Kings (except only where the unjust Encroachments of the Papacy, had prevailed against the Lawful Right of

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the Civil Magistrate) and which, by the Laws of *England*, are actually annexed to the Imperial Crown of the Realm. Now if the Historical account, which he has given of this matter, be defective; let it be shewn either that his Quotations are false, or else insufficient. But if neither of these can be done, I wonder how any one, who has subscrib'd to the Second Canon of our Church, can deny *The King's Majesty* to have the same Authority, in Causes Ecclesiastical, as the Doctor has proved the *Christian Emperours* to have had, in the *Primitive Church*: But much more do I admire, that such a man should venture to impeach in any part the *Regal Supremacy*, in the said Causes Restored to the Crown; and by the Laws of the Realm therein established.

But

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But supposing a man to pay no deference to the Authority of our Church, nor yet to the Opinions of our most learned Divines; many of which the Doctor has Collected in his *Appeal to all true members of the Church of England, in the behalf of the Kings Ecclesiastical Supremacy*; there is one plausible Objection that may be made against his Book; and is earnestly urged by the Nameless Author of the *Municipium Ecclesiasticum*, Chap. x. viz. That to argue a *right* in any one, from bare *Matter of Fact alone*, is by no means a sufficient or conclusive way of Reasoning: And therefore to take off this prejudice, I think it would be a very necessary and useful work, to give a clear and satisfactory account, of the *Ground, Authority and Rights*

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Rights of Ecclesiastical Synods, from the Law of God, and Reason of things ; Whereby it might plainly be made appear, whether or no that Power which other Christian Princes have exercised, and our Kings do claim and practise over them ; be built upon a good Foundation ; or else be only an Encroachment and Usurpation upon the Church.

What the *Municipium Ecclesiasticum* advances, upon this subject, to me seems very obscure and confused : And whether the fault be in the Book, or in my Understanding, I know not ; but I must own that I am not able to frame sufficiently clear and distinct notions of the Authors Opinions, or the force of his Arguments, in reference to this matter, which he professedly proposes to handle

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handle. And altho' Dr. *Wake* has here and there some very useful hints upon this subject; yet as they are not all laid together in one part of his Book, so neither perhaps would they amount to, nor were they intended for, a just discourse upon this Argument: Which therefore I could heartily wish that he would set himself to write; as being well assured, by what I have read of his other works, that he is abundantly able to give satisfaction to all reasonable men, in whatsoever he shall think fit to undertake.

To provoke, therefore, either him, or some other Learned man, to set upon this work; I have drawn up the following short Essay; in which I have very freely and plainly set down my own thoughts; And
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wherever I may happen to be in the wrong; I shall own my self much obliged unto any Charitable hand that shall endeavour again to set me right.

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E S S A Y

Concerning

Ecclesiastical Synods.

i. **B**Y an Ecclesiastical Synod, I mean,
a Lawful Assembly, either of Bi-
shops alone; or of one or more Bi-
shops in conjunction with some
Presbyters of the Church; or, Lastly, of
Presbyters alone; duly and sufficiently Autho-
riz'd to consult and determine some matter,
relating to the good of the Church, and be-
nefit of Religion; so as that others shall be
oblig'd to submit, and give Obedience, to their
Decrees and Determinations. For tho' Dea-
cons, or Lay Persons, may, in some cases,
be admitted to assemble with the others
in a Synod; Yet I take it for granted,
that their absence makes it never the less,
or their presence the more, a Synod; sup-
posing it to have all the other qualificati-
ons. And if such an Assembly be not

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2 *The Ground, Authority, and Rights, Lawful; that is to say Justifiable by some sufficient Law; it would rather be a Riotous, or Schismatical Meeting, than an Ecclesiastical Synod. And if the Bishops or Presbyters, when met together, have not Sufficient Authority to transact matters, and lay an Obligation upon others, as is above said; they can, at most be said to be but a Prudential Assembly. And Lastly if they meet upon other business, wherein the Church, and Religion, are not concern'd; Notwithstanding that the Persons who compose the Assembly may be all Ecclesiasticks, yet such an Assembly, I conceive can not so properly be call'd Ecclesiastical.*

2. From the different extent of that tract, or district, of the Church, from whence, and for which, any Synod is convened; It may take and derive to it self a different denomination. Thus, for example; If a Synod be call'd from within so much of the Church only, as is under the care and Government but of one Bishop, It is call'd a *Diocesan Synod*: If from within several Diocesses, more immediately consociated under the jurisdiction of one Metropolitan, a *Provincial Synod*: If from all the several Provinces of one Kingdom or People, a *National Synod*: And if from every part of the whole Church;

Church, a General or Oecumenical Synod.

3. Concerning Ecclesiastical Synods, I shall propose Four things to be inquired into: First, *Of what Institution they are in the Christian Church: viz.* Whether of Divine or Human? Secondly, *What right they have to meet and act, antecedent to the Civil Laws of each Kingdom or Commonwealth?* Thirdly, *In what things, and over whom, they may have Authority?* (I mean still antecedent to the Civil Laws) And Fourthly, *How far their right of Meeting and Acting, or their Authority over others, may be restrained, limited, or qualified, by the concessions of the Church to the Civil Magistrate, or otherwise by the Laws of any Kingdom or Commonwealth?*

4. Towards the answering the First Inquiry; Let it be noted, that to the Institution of any Assembly it is absolutely necessary that there be some certain Rule for the fixing and determining, at the least, these three things; *viz.* First, *At what time, and place, they shall meet;* Secondly, *Of what Persons the Assembly shall be compos'd;* And Thirdly, *What they are to do when they come together.* For while any one of these things remain uncertain, the Assembly can not be said to be Instituted or Appointed. For First, if the time or place of Meeting

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be undetermined; some of the Members
may come at one time, and to one place,
and some at, and to, another; and so either
return again for want of Business to be
done; Or else form themselves into many
little *Junctos* instead of one *Assembly*. Se-
condly, if it be not known who the Per-
sons are that are to make up the Assem-
bly; Either all men may absent them-
selves, and so there will be no Assembly
at all; Or else they who are altogether
unqualified for such a Meeting, may yet
croud in; And so instead of an Assembly
become a confused multitude. And Third-
ly, if when they are met together they
know not what they are to do; As their
meeting will be altogether useless and im-
pertinent; so can they not, in my opinion,
~~be~~ justly called an *Instituted Assembly*; The
very Notion of which, in my apprehensi-
on, implies a Company of Men chosen
and met together, *For the dispatch of some*
Business, either known to them before hand,
or else to be Communicated to them at the
time of their meeting. If then either the
standing Law of God, or any occasional
Command of his, has any where required,
First, that in the Christian Church, Assem-
blies shall meet at such a certain time, and
place, either appointed by God himself,
or to be appointed by some certain Person

or

Of Ecclesiastical Synods, *discuss'd.* 3

or Persons, having Power from God to appoint the same: And Secondly that such Assemblies shall consist principally, if not only, of the Bishops or Presbyters of the Church; And Thirdly that their Business, when they meet, shall be to consult, and to determine certain matters relating to the good of the Church, and benefit of Religion; in such Wise as that others shall be oblig'd to submit, and give Obedience, to their decrees and determinations; Then indeed it will be most evident that Ecclesiastical Synods (according to the Definition laid down §. 1.) are of Divine Institution. But if, on the other side, it appears that these three things are no other way enacted and determined, save only, at first, by the voluntary agreement of the Church, and, afterwards, by its settled and establish'd Constitutions; And last of all by the Laws and Constitutions of the several Christian Kingdoms and States in the World; Then it will no less plainly appear that Ecclesiastical Synods are not of Divine, but Human Institution. Or, Lastly, If it be found that these same things are settled and fixed, partly by the Law or Command of God, and partly by human Agreements, Laws, and Constitutions; Then it must follow that the Institution of Ecclesiastical Synods, is partly Divine, and partly

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ly Human. And having thus, I think,
plainly stated the Case, and proposed the
Issue to be tried, upon the first Inquiry;
I shall proceed to Consider, what solid
Foundation may be had, upon which to
build a sound and determinate judgement
in the matter.

5. And First That *Ecclesiastical Synods*
(whether Diocesan, Provincial, National,
or General) are *not purely, and altogether,*
of Divine Institution, I take to be a thing
most evident: There being neither any
standing Law, nor occasional Command of
God (that appears) which either requires
that any such Assemblies shall meet; or
gives Authority to any one to appoint the
time, and place, of their meeting; or sets
down the qualifications of such Persons as
are to make up the Assembly; Or, Lastly,
declares what power they have (or that
they have any at all) to determine any
matter, so as to lay an Obligation upon
other Men, to submit to their Decrees or
Definitions. See §. 5.

* 6. But here perhaps it may be objected,
that the Christian Church is a *Society*;
that the very nature of a *Society* supposes
Order and Government; and that these do
as necessarily require *Deliberation and Con-*
sultation; that is to say debating and de-
termining such difficulties as may occasi-
onally

onally arise: And as these things cannot be duly performed without the meeting of regular Assemblies; so is it not in the least to be doubted, but that the Bishops and Pastors of the Church (who on all hands are allowed to be under Christ the Rulers and Governours of it) ought, if not solely, yet chiefly, to compose and make up such Assemblies; Which therefore must be *Ecclesiastical Synods*, according to the Definition of them laid down by me §. 1. Now altho' to all this I need make no Reply, because it does not Answer what I have Urged; but wholly (in a manner) waves and leaves it behind: Yet because I do not desire to avoid any difficulty, without giving full satisfaction to it; I shall very freely set down my Thoughts in relation to what is here alleged; Being always ready either to alter or retract them, whensoever I shall be convinced of any mistake in Them.

7. That the Christian Church then is a Society, I readily grant; as also that a Society cannot be, that is to say cannot subsist and continue, without Order and Government: But then it does not follow that the same Person, who Institutes a Society, must necessarily appoint the compleat Model of its Government. But it may be sufficient for him to determine and propose
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the end for which they are associated ; and prescribe all those Laws that are absolutely necessary for the obtaining of that end ; And when that is done to leave the Society to their own prudence, to regulate themselves into such a certain frame of Government, as they find may be most fit and proper for the pursuing that end, for which they are Incorporated, according to those Laws which their First Founder has given them. Thus (for Example) it is possible that the King, may erect a Company or Corporation, for the carrying on of such a certain Negotiation : And as long as They pursue the end for which they are thus Embodied, and observe the Laws of the Land, and such other necessary directions as are given them at their Erection ; It is no manner of absurdity to suppose that they may be left to their own liberty, among themselves, to appoint and determine who, and what, and how many persons, and under what limitations and qualifications, shall have the Government and Managment of the affairs of the Society ; in Subordination still to the Laws of the Civil State, and the Authority of the Supreme Magistrate. Thus likewise I suppose it will easily be granted, that by the Law of Nature, which is the Law of God, all mankind in general are a *Society* ; that

is to say, *a number of Persons under, an Obligation mutually to help, and be assistant each to other, in the promoting and carrying on some certain End and Design*, viz. The general welfare of all and every Man. Now that this Society (as all others) cannot without Government, be duly maintained and kept up, must likewise be granted. But yet it is plain, that neither the Law of Nature, nor any other Law of God, has settled or determin'd any certain Frame or Model of Government, either for the whole World in general, or for each Kingdom or Commonwealth in particular: But as long as Men Swerve not from the Laws of God, and that general design, which he, by the Principles of Reason, and more fully by Revelation, has made known unto us; 'tis certain that he forbids them not, but leaves them at their own liberty to form themselves into such Civil Communities, and to erect such Forms and Schemes of Government among themselves, as they, in their own prudence, shall think fit to agree upon. In like manner, that the Church is a Society, Instituted by Christ, for the promoting of God's Glory and the Salvation of mankind; That He has given divers Laws and Directions to this Society; And that, for the better observing and enforcing of these Directions

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and Laws, Order and Government is necessary in the Church; are things by no means to be denied or gainsaid: But that God has laid down any *compleat and exact model of Ecclesiastical Government*, either for the whole Church in general; or for the parts of it (as Nations or Kingdoms) in particular, is what I can no where find; But should be very glad, if it be really so, to see such clear and evident proof thereof as may safely be relied on. Altho' therefore it may be granted that all Christians in general; and, in particular, the Bishops and Pastors of the Church, are under an Obligation, as they have opportunity, and as occasion shall call upon them; to deliberate and consult about such things, as may most conduce to the promoting of the great end and design of Christianity; and, in order thereunto, to have such Meetings as they apprehend may be most serviceable to this purpose (to which therefore every good Christian ought for his part to consent, and, as much as lies in him, to concur) yet how any *certain Form*, or Prescript, of Ecclesiastical Synods; either General, National, Provincial, or Diocesan, duly invested with Authority, can from hence be inferred, without any farther human appointment, I cannot in the least imagine. And however a man may put a
speci-

specious and plausible gloss upon the matter, yet to affirm that Ecclesiastical Synods are of Divine Institution; without assigning any Law or Command of God, either immediately, or else by good consequence, to make good those particulars that I have but now denyed §. 5. must I think, upon a through examination, be found most absurd and unreasonable.

8. But, it may be, it will be farther objected that it is beyond dispute, that the Apostles did hold Ecclesiastical Synods: And therefore we may well presume that there was a Command for this, altho' we do not find it recorded expressly in the holy Scriptures. To which I answer; that I do indeed allow that the Apostles, with some Others, did sometimes meet together for the determining and settling of some things, which related to the good of the Church, and Benefit of Religion: *Act.* 1. 15. and 6. 2. and 15. 6. And therefore I will not say but that they did, or might have held Ecclesiastical Synods. But why must we suppose that they had a particular Command from God for the doing of that, which common Prudence and natural Reason, must needs suggest to all sober men in the like circumstances? Or if they had any special Command from God for the holding any of those Meetings (which

yet is more than we can tell) I cannot see how such an unrecorded, and Unknown Command, can ever be reckoned as a standing and perpetual Rule to the Church.

9. Secondly, Altho' there is no manner of Divine Institution, Properly speaking; Yet I freely allow that, *in the Law of God and the Reason of things, there is a very good prudential Foundation for Ecclesiastical Synods.* That is to say, that such things are suggested unto us, partly by God's Law, and partly by natural Reason; as must needs convince every sober and thinking man, that it is highly convenient that, upon some occasions, Ecclesiastical Synods should be convened and holden. For as the Law of God obliges every man to do as much good as he is able, in his place and station; and to promote the honour of God and the Salvation of all men, as far as he has, or can procure, opportunities, for so doing; so does our own Reason sufficiently assure us that these things may, upon many occasions, be expedited and set forward, and freed from such obstructions and impediments as too often do arise; much better by the joint and unanimous endeavours of many wise and good men concurring together, than by the distinct and separate labour of each of those men severally and apart: As also that no
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men ordinarily can be supposed to be more fit to handle, judge, and determine, whatever relates to matters of this Nature, than they who have made these very things, their chiefest care and Business; that is to say than the Bishops and Pastors of the Church. Whenever therefore any doubt or difficulty arises about any thing, wherein the Glory of God, and the Salvation of Men are concerned; which cannot more readily or easily be assailed and removed; Nothing, I think, can be more proper and rational, than that a convenient number of the Bishops and Pastors of the Church should be assembled together, in order to consult and declare their Sense and Judgement in the Case. And because such Assemblies would signify little or nothing, if every Man were still left at his Liberty, either to give or refuse Submission to their Determinations; It is therefore very proper that all those Men, for whose sake, and upon whose account, the Assembly meets, should be under some obligation to acquiesce in, and be obedient unto, such things as are there Concluded upon and Decreed: The ground and extent of which Obligation shall be inquired into in its proper place. And this I take to be a fair and rational Account of, and Foundation for, the Assembling

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fembling and holding of Ecclesiastical Synods; But by no means to denominate them of *Divine Institution*, any more than Parliaments, or any other Assemblies, which are held for the promoting of the temporal welfare and happiness of men; to the forwarding of which every man is as *really* (tho' perhaps not as *highly*) obliged by the Law of God, as he is to advance the glory of God, or promote the Salvation of others.

10. Thirdly, altho' I will not take upon me to determine whether the Apostles had any immediate Command from God, for the holding of any of those Assemblies (or Synods as some will have them to be) of which we but just now were speaking §. 8. which for ought I know, they might; or whether therein they followed only the Dictates of common prudence; which, as far as I can judge is altogether as probable as the other: Yet, untill I shall see some better reason to the contrary; I cannot but think that, *From the time of the Apostles downwards, All the Ecclesiastical Synods, that ever have been held in the Church, have been purely and altogether of human Institution.* Altho' (as I have said in the preceeding Section) there may have been a prudential Foundation for them in the Law of God, and
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the reason of things; As indeed there is for Parliaments or such sort of Assemblies in the State, as well as for Synods in the Church. For if no other Rule or Law can be found (excepting only first the voluntary Agreement of the Church it self, and afterwards the Laws of Civil States when they became Christian) either first for the calling of any such Assemblies at all; Or the appointing of time or place for their meeting; Or secondly for prescribing and determining who and what Persons shall compose them; Or Thirdly for the empowering them to Act, or obliging others to submit to them; Then it must follow that they are purely and altogether of Human Institution; According to what I have laid down §. 4. But no other Law or Rule for any of these things did ever yet appear to me, upon the most impartial search that I have been able to make: And therefore I cannot judge them to be of any other Institution than what I have already said. And let thus much suffice for the first Enquiry.

II. As to the Second Enquiry, viz. *What right Ecclesiastical Synods have to meet and Act antecedent to the Laws of each Kingdom and Commonwealth*: By a right to do any thing I understand, not only a
Natu-

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Natural, but, *such a Moral Power of perform-*
ing such an Action, as that it would be un-
lawful for another man to hinder or obstruct
the same. Thus every man has a Right
to make use of those things, which he has
honestly gotten, for the preserving and
sustaining of his own Life; And also to
worship God according as he has appoin-
ted, in order to his own Salvation: Nor
can it (at least ordinarily) be Lawful for
any man to debar, or prohibit another in,
or from the doing of either of these things.
Let us then but set our Selves to enquire
how far, and in what cases, it may be ei-
ther Lawful or Unlawful for any Persons
to hinder an *Ecclesiastical Synod* from Act-
ing or Meeting; And this will lead us to
an exact knowledge of their Right to
Meet and Act; together with the just ex-
tent and measure of it.

12. In the first place then. *Where any*
Persons meet together in order to do good;
And it also sufficiently appears that there is
no probability of any evil Consequence of their
meeting; Such an Assembly as this ought not
upon any account, or by any one, either to be
prohibited or disturbed. For as every man
is under an obligation, himself, to do all
the good which he has an opportunity
for; so ought he not (by parity of Rea-
son) to be any hindrance to any other men
in

in their doing whatever good may lie in their power.

13. But, Secondly, *Wherever there is a just and well grounded Suspicion, that such a Meeting or Assembly will prove; in the end, to be of Evil Consequence* (However well it may perhaps, by some, be designed;) *As far as any Person or Persons lie under an Obligation to prevent the Evil that is so justly beforehand suspected, so far are they obliged to hinder, as much as they can, the Convening of such an Assembly*: I mean upon a supposition that the Evil Consequence is not by any other way to be avoided. This I take to be as plain as any thing almost can be. And therefore if the Civil Magistrate, according to the best of his Understanding, foresees and believes that the meeting of any Assembly (altho' upon the design and business of Religion) will probably create feuds and animosities among the People, or keep up and heighten those which are already rais'd, which in the end may tend to Faction or Division in the Church or State; As he is obliged, by the Trust reposed in him, to preserve and maintain Peace and quietness, and good order in the Commonwealth; so will it Consequently be his Duty, as far as he is Invested with Lawful Power for it, to prevent and put a stop to any such Meetings.

14. Thirdly, Altho' any number, and of any men whatsoever, may Lawfully assemble together, whensoever it is for a good end, and no evil Consequence of such a Meeting is foreseen, or justly to be suspected; Yet even *The Bishops and Presbyters of the Church have no right to meet together as an Ecclesiastical Synod* (That is to say they can have no *Authority* so to transact matters as to lay an *Obligation* upon others §. 1.) *Except they have a Lawful Power and Commission for their so doing.* For whosoever in any case, Acts without a sufficient Commission, may undoubtedly be *Opposed* by every man who is any way concerned in the matter; and may justly be obstructed and hindered in their proceedings, by those who have Lawful Authority over them.

15. Here then, for the full and final determination of this Second Enquiry, let this Question be proposed, *viz. From whence does an Ecclesiastical Synod, derive its Power and Authority, to sit, and Act, as a Synod?* In answer to which I take it First to be very plain from what I have said §. 5. that Ecclesiastical Synods do not derive their Power and Authority immediately from God. For if they did they must be of Divine Institution. And Secondly as for the Civil Magistrate, our very Enquiry
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supposes him, as yet, to have no hand in the matter. Thirdly then it must remain that *Ecclesiastical Synods do immediately derive their power and Authority* (Antecedently to the Civil Laws) *only from the Church its self*: (*Immediately* I say; For that all Lawful Power and Authority whatsoever is *Mediately* and *Ultimately* derived from God I freely grant) For neither can we find any other person from whom immediately to fetch the Power of such Synods; Nor is it to be doubted but that (By virtue of that Power which God has given to all men over themselves) the Church may in some Cases, Invest a Synod with an Authority over its self; as well as the People, in their Civil capacity, may do the same thing by a Parliament.

16. The Sum then is this, that as Ecclesiastical Synods are of Human Institution; so, antecedently to the Civil Laws, their Power and Authority is immediately derived only from the Church (As the Power of a Parliament is from the People in their Civil capacity) And whenever a Synod is duly appointed by the Church, it has a right to sit and Act; Nor ought it to be therein hindered or obstructed by the Civil Magistrate; except he has just ground to believe that some ill consequence will unavoidably follow.

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from their Sitting and Acting, which it is
his duty to prevent. And let this suffice
for the Second Enquiry.

17. The Third Enquiry contains two
distinct Questions; *viz.* First *In what things;*
And Secondly, *Over what Persons may an*
Ecclesiastical Synod have Authority? (But
still antecedent to the Civil Laws.) And
here I shall lay this down as a fundamen-
tal proposition *viz.* That *as no Assembly*
can have greater Authority than what is
Originally lodged in those Persons by whom
they are appointed and empowered; so neither
can they justly claim or Exercise this Authori-
ty, but only in such a measure or degree, as
it is Actually Communicated to them. Which
being premised (And the truth thereof I
take to be so evident as neither to need
nor be capable of any proof) I shall from
thence draw some very plain Corollaries
in Answer to the Two Questions but just
now proposed.

18. And First if it be demanded *In what*
things may an Ecclesiastical Synod have Au-
thority? From the Proposition now laid
down, I answer First, That the Authority
of an Ecclesiastical Synod cannot possibly
be so great as to make that Doctrine
which is false become true; or that to be-
come Lawful which is against God's Law:
For this would be to alter the very Na-
ture

ture of things, or Laws of God; which Power is not in the Church, nor in all mankind taken together. Nor yet, Secondly, can they have any Authority to make that a part of Religion which Almighty God has not already made so: For altho' the Modes and Circumstances of Worship and Religion, may be settled and determined by the Church; Yet to make any thing become a part of Religion, that is to say essential to it, and thereby immutably and perpetually necessary to Salvation, is a Prerogative that belongs to God alone. But Thirdly, in doubts or Controversies, concerning matters of Faith, or Points of Doctrine, an Ecclesiastical Synod may have Power to consult, and debate the things in dispute; and to declare their Sense and Opinion concerning them: For this is no more than what may Lawfully be done not only by the whole Church, but even by any prudential Assembly of wise and good Men; there being no Law of God which forbids, or any way hinders them, so to do. But, Fourthly, when an Ecclesiastical Synod has thus determined any Point of Faith or Doctrine; Their Authority cannot extend so far as to oblige any man either to believe the Truth of what they have so determined, if it be against his perswasion; or to profess it, if he

he does not believe it to be true: The former of these being impossible and contrary to the Nature of things; and the latter Unlawful, as being forbidden by God; And therefore both of them excluded by the first of those Corollaries which I have laid down in this present Section. Fifthly, But if an Ecclesiastical Synod shall determine any thing in favour of an Errour, and even directly contrary to the truth; Yet if the Error be an Innocent one; that is to say contains nothing which is any way contrary either to the necessary Articles of Faith, or the Rules of a good life; altho' a man cannot be oblig'd to believe or profess such an errour contrary to the convictions of his own mind; yet still he may be bound in Conscience to be quiet, and not to give any publick opposition to such a determination; for fear of disturbing the Peace, or breaking the Unity, of the Church thereby. For altho' every Christian is required, according to his ability, *earnestly to contend for that Faith* (i. e. that Religion) *which was once delivered to the Saints*; Yet for such truths as have no necessary influence either upon Faith, or Practice, we are no where Commanded to contend: And if we cannot stand up for such a truth without the hazard of Confusion, or disturbance in the Church; we ought

to be quiet, and permit other men to abound in their own Sense, untill such time as God shall think fit to bring their understandings to a better disposition; and not to Sacrifice Peace and Unity, which the Laws of God require us carefully to maintain, unto such a truth as we are not Commanded to teach to others; or zealously, our selves, to contend for. And Lastly if an Ecclesiastical Synod duly empowered shall make any Decree to determine our *Practice* in any thing which is indifferent in it self, and no way determined by the Law of God; from thence I do conceive will arise an undoubted obligation to Obedience and Conformity to be paid unto such a Decree, which is so made. For if the Church, by a voluntary Agreement, might Lawfully lay a restraint upon themselves in such things as are indifferent (which no man I presume will doubt) what can hinder but that they may give a power unto a Synod to lay the like restraint upon them? For whatever Obligation People, of their own accord, may Lawfully lay themselves under; The very same Obligation to all intents and purposes, may certainly be laid upon them by their Representatives, duly chosen and Authorized.

19. Secondly if it be demanded *Over what Persons may an Ecclesiastical Synod have Authority?*

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Authority? From that Fundamental Proposition which I have laid down §. 17. together with the Third Proposition which I have laid down §. 15. these following Conollaries will evidently arise; which will make up a full Answer to it *viz.* First that an Ecclesiastical Synod can have no more Authority than what is vested in the Body of that Church by which they are empowered to Sit and Act. For the Church can give no more Authority than what it first has in it self; Nor can a Synod, which is but a part of the Church, have any greater Power than what the whole is Originally endowed with. Secondly, But whatsoever Authority is Lawfully vested in the Collective Body of the Church, the same may by them be delegated to an Ecclesiastical Synod. For neither is there any thing which should hinder such a delegation as this; And where a Society is very numerous (as the Church is) it is morally impossible for it to exert and exercise that Power and Authority which is Originally diffused throughout the whole Body; otherwise than by appointing and delegating their Representatives to do it for them. As the legislative Power which, in a Commonwealth, is Originally founded in the Body of the People, could never be brought to any

any useful effect, if there were not appointed Parliaments, or Assemblies of the Estates, on purpose to represent and Act for them. Thirdly, therefore it will follow, That an Oecumenical Synod may have Authority over the whole Church; but a National, Provincial, or Diocesan One, can extend its Authority no farther than the People, Province or Diocess, for, and from which, it is appointed and chosen; Because one such Limited or particular Church is not vested with any Power or Superiority over another. And, Fourthly, that the Authority of any Synod is greater, or less, according as it is given them by the Church which chuses and appoints them: Provided that the Church does not pretend to Communicate greater Power to them, than what is Originally vested in its self.

20. To conclude this point; As the Bishops and Pastors of the Church, who derive their Succession down from the Apostles, have thereby a divine Authority communicated to them, to perform their respective Offices, and to teach and Govern their respective Flocks, according to the Rules prescribed by God's Law; From which no variation must, upon any account, be allowed of, or admitted: So is there no manner of Restraint laid by God either upon the Universal or any Particular

26 *The Ground, Authority, and Rights,*
lar Churches; But that with a due subordination to his Law, they may, in all other things, which are not thereby already provided for, manage and govern themselves as other Societies do, by the Rules of Reason and Prudence; And appoint their Synods or Representative Assemblies to agree upon, and lay down such Rules, as they think most necessary to be observed. And not only he who violates the immediate Divine Law and so continues without Repentance; but even he also who *Obstinately* refuses to be conformable to the Lawful and wholesome Constitutions of the Church it self; and thereby causes disturbance and division in it (which is as really, tho' not so immediately contrary to God's Command as the other) is justly to be excluded from the Communion and privileges of the Society. And so much for the Third Enquiry.

21. I proceed then to the Fourth and Last Point proposed; *viz. How far the right of Meeting and Acting of Ecclesiastical Synods, or their Authority over others, may be Restrained, Limited, or Qualified, by the Concessions of the Church to the Civil Magistrate; Or otherwise by the Laws of any Kingdom or Commonwealth.* And in order to the clearing of this matter, I shall lay down the set two preliminary Propositions. First that *neither the*

Consent of the Church it self, nor any Civil Law whatsoever, can lay any Obligation upon the Church, or any part or member thereof, to do, or forbear any thing, If by such doing, or forbearing, true Religion is any way so obstructed or discouraged, as that God is thereby dishonoured, or the Salvation of men hindered. For neither our own voluntary Act, nor any Law that is enacted by an inferiour Power, can free us from an Obligation which is laid upon us by an Authority that is Superiour. But by the Law of God, which is above all, we are All obliged to promote the Interest of true Religion, and thereby both to advance his Glory and set forward the Salvation of other men. And therefore if we have consented to any thing, or if the Civil Law has enacted any thing, which proves to be contrary to this Obligation under which we beforehand indispenfably lay; both our consent so given, and the Law so enacted, must be looked upon as void (I mean so far as they are thus prejudicial to Religion) and all Obligations of this Inferiour sort must ever be construed with a tacit exception, that they, be not contrary to any former and superiour Obligation. But Secondly, *If the Church Universal, or any particular Church, shall consent; or if, without such consent, the Civil Authority of any place shall by Law enact or require*

28 *The Ground, Authority, and Rights,*
any thing which no way tends to the real pre-
judice of true Religion, nor any way obstructs
either God's Glory, or Men's Salvation: Such
a consent so given, until it is duly revoked,
and such a Law, until it is by Lawful Au-
thority repealed, shall certainly oblige all such
as are members of the Church which so con-
sented, or Subjects of that Kingdom, or Com-
monwealth, in which such a Law is enacted.
For who can doubt but that any Society
may, by general consent, lay an obligati-
on upon themselves in such things as are
no way Unlawful? And as for the Au-
thority of the Civil Laws; the command
of God runs in the most general and com-
prehensive terms, that *Every Soul should be*
Subject to the higher Powers. And that we
should *submit our selves to every Ordinance*
of Man: Nor does either reason or Scrip-
ture furnish us with any other Limitation
of, or Exception to this Precept, save only
that one of the Apostles, *Act. 5. 29. We*
ought to obey God rather than Men. Which
sufficiently proves that nothing can excuse
us from giving Obedience unto all such
Laws as are made by the Legislative Power
of the Kingdom or Commonwealth, of
which we are Members; Except it be
that something is thereby required which
is contrary to the Laws of God.

From these two General Propositions, these following Corollaries, with particular relation to Ecclesiastical Synods, do most evidently follow in Answer to the Last Enquiry; viz. First That *the Church may consent, and the Civil Authority may, either with, or without such consent, Enact whatever Laws they please, concerning the calling; modelling, manner of proceeding, and Limitation of the Authority of Ecclesiastical Synods; Provided that nothing is thereby done which is prejudicial to true Religion and Piety,* Secondly, But if true Piety or Religion, or any part thereof, be really in danger, by the breaking in of Atheism, Heterodoxy, or Immorality; And no other way can be taken, or found, to prevent or redress such a mischief, but onely the *Assembling and free Acting of an Ecclesiastical Synod; Let the Civil Law say what it will; The Church (notwithstanding any consent of hers given, or pretended to be given to the contrary) is bound to convene an Ecclesiastical Synod, freely to consult and determine what is fit to be done for the redressing of such evils as these.* And (as Dr. Wake judiciously observes) If the Civil Magistrate shall so far abuse his Authority, as to render it necessary for the Clergy, by some extraordinary methods to provide for the Churches welfare; That

Authorit. of
Christian Prin-
ces. pag. 43.

30 *The Ground, Authority, and Rights,*
That necessity will warrant their taking of
them. But Thirdly, If any other way may as
effectually be found, for the preservation of the
true Religion and Piety; The Church ought
by no means to break in upon the Civil Law;
Nor to Assemble or Act in an Ecclesiastical
Synod, in any other manner than what is agree-
able to its Constitutions.

23. But if any man shall be so hardy
as to demand, What Authority the Civil
Power has to make any Laws at all in Ec-
clesiastical matters: Their proper business
being only to secure the Peace, and pro-
mote the welfare of the people under them,
in *this World* alone; and not to watch
over their *Souls*, or direct them in the way
of Eternal Salvation; which is the Office
of those of another Function; and, me-
diately or immediately, ought ever to be
the design of all Ecclesiastical Constituti-
ons: I answer; First, that since Experience
abundantly assures us how great an influ-
ence the due management of the affairs
of Religion, generally has upon the Peace
and Temporal welfare of any People; It
will follow that the Civil Government
(whether it be heathen or Christian) to
whose care the latter is committed must
needs be vested in a Power of making
Laws concerning the former; so far as is
necessary for the performance of their
Office,

Office, and the Execution of that Trust which is committed to them by the People. And if the Temporal Magistrate at any time apprehends that differences about Religion among his Subjects, may likely be improved into farther disorders and breaches of the Peace, of which he is appointed the Supreme keeper and Guardian; He certainly may (I mean with the concurrence of the Legislative Authority) enact and make such Laws, as may best put an end to such Discords, and prevent those evils which thereby, tho' at some distance, threaten the Civil State. And altho' he has no Power, by Virtue of his Civil Authority, to determine Controversies in Religion; Yet he may very Lawfully; And by his Office he is obliged to over rule and suppress all such dissensions about it, as are any way likely to prove injurious to the welfare of that Society which is committed to his Care and Charge. Secondly; Whereas it is very possible that Governours of the Church, may assume to themselves more Power than what really belongs to them, and by degrees encroach upon the Authority of the Civil Magistrate, (as has actually been done by the Church of Rome;) It is Lawful for the Magistrate, in such a case, to make such Laws, as may effectually keep, and restrain the Church, within

32 *The Ground, Authority, and Rights,*
within the proper bounds and Limits of
it's own jurisdiction. For to say that the
Supreme Magistrate has not sufficient Au-
thority to assert and maintain his Lawful
Power against all Encroachments whatso-
ever, is in effect to take away his Suprema-
cy ; and so to make him Supreme, and not
Supreme, at the same time. Thirdly ; If the
Supreme Magistrate be a Christian and a
Professor of the true Religion ; It will be
his duty to make use of that Authority, in
which he is vested, as much as he can, for
the Encouragement of that Profession of
which he himself is. For he that has
great Opportunities of doing good, and
yet neglects to make use of them, is ac-
countable to God for burying that Talent,
which he ought to have employed in his
Masters Service. Altho' therefore he ought
not to *Persecute* even a *False Religion*, as
long as it teaches nothing which is Inju-
rious to Civil Society ; Yet he may, and
he ought, both to defend and encourage
the true one. Which cannot, as I con-
ceive, sufficiently be done, without mak-
ing some Laws concerning Ecclesiastical
affairs, as well for the supporting of the
Churches Authority by the Civil Power,
as also for the Correcting and restraining
those who are Unruly and Disorderly ; and
under the pretence of Religion would em-
broil

broil the Church (And perhaps the State too) And cannot be kept in Order by her Discipline and Censures. And if the chief Stations in the Church should happen to be filled with such Men, as should oppose the making of any such Laws, as really would tend to the Security, Peace and Advantage of Religion ; I see no reason why the Civil Legislative Power (If in the hands of Christians) may not, even without the consent of the Church, enact such Laws, and enforce them with such proper penalties, as they are fully convinced would be really useful and serviceable to so good an end.

24. But here it may perhaps be demanded ; suppose the judgement of the Civil Magistrate and that of the Church should, in this point, differ one from the other, which of them ought to take place ? And put the case that the Church should think it, at any time, to be absolutely necessary, for the Glory of God and the good of Religion, to hold an Ecclesiastical Synod ; and the Civil Magistrate, at the same time should refuse his consent, or directly forbid them so to do ; And that upon a strong persuasion that the meeting of such a Synod would, in such a juncture, be of very dangerous Consequence, either to the Church it self, or to the State, or it may

be to both ; What must in this case be done ? Must the Church convene a Synod, in Obedience to the Conviction which she has of the necessity thereof ? And must the Civil Magistrate yield unto it against his own judgment ? Or must the will of the Magistrate be obeyed and the Church act contrary to her own perswasion ? To which I am able to give no other answer but this ; That every man who is honest and sincere will always act according as he is fully convinced to be his duty ; as he shall answer for the same before the Tribunal of God : And if the different and contrary perswasions of men do sometimes occasion some clashing and opposition between them, I know not how in this world it is to be avoided. But considering how both Reason and Scripture do enforce Obedience to the Civil Powers upon the Conscience of every man ; I think the case ought to be *Exceeding plain*, before Subjects should offer, upon any account, to act contrary to the Laws of the Land : And when even their most necessary duty to God Obliges them so to do ; yet still it ought to be with all the respect and deference to the Civil Magistrate that the case will possibly admit of, that all just reason of offence may be avoided ; and that the World may be
through

Of Ecclesiastical Synods, discuss'd. 35
thoroughly satisfied, that it is pure Con-
science alone, and not any discontent or
turbulent humour, which moves them to
proceed in such a manner. And so much
for the Fourth and Last Enquiry.

F I N I S.

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